

Interview Summary

Application No.

08/965,356

Applicant(s)

Bernfield et al.

Examiner

Anne-Marie Baker, Ph.D.

Group Art Unit

1632



All participants (applicant, applicant's representative, PTO personnel):

(1) Anne-Marie Baker(3) Patrea Pabst(2) Deborah Crouch(4) Merton BernfieldDate of Interview Nov 23, 1999Ofer Reizes

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: 1-6 and 10-15

Identification of prior art discussed:

Mullins et al. (1989), Mullins et al. (1990), Hammer et al. (1990), Taurog et al. (1988)

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Discussed the proposed Examiner's Amendment. Applicants agreed to remove the term "proteoglycan portions thereof" from the claim language. Applicants further agreed to amendments that would make Claim 1 read "A transgenic rodent whose genome comprises a stably integrated DNA sequence encoding a syndecan operably linked to a promoter, wherein expression of the DNA sequence results in the mouse developing maturity onset obesity." Applicants argue that the specification is enabling for rats and mice because the physiology of weight regulation and energy balance of rats and mice is the same. Applicants contend that they can cite numerous references that show that natural mutations in genes that regulate body weight in rats and mice lead to the same phenotype in both species. Applicants argue that because the physiology of weight regulation in rats and mice is the same, one skilled in the art would expect to be able to readily produce a syndecan transgenic rat having an obese phenotype. The Examiner advised Applicants that the Office does not

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Anne-Marie Baker

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

accept that transgenic mice are predictive of transgenic rats for reasons of record and that ample reasons have been given and art cited to establish that mice and rats having incorporated the same transgene construct do not exhibit the same phenotype. The state of the art renders it unpredictable as to whether one skilled in the art could produce a transgenic rat expressing a sufficient amount of any syndecan to produce an obese phenotype. Undue experimentation would have been required to produce such a rat.

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Proposed
EXAMINER'S AMENDMENT

The amendment filed October 27, 1999 (Paper No. 14) has been entered.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Claims:

1. A transgenic mouse whose genome comprises a DNA sequence encoding a syndecan operably linked to an expression regulatory sequence, wherein expression of the DNA sequence results in the mouse developing maturity onset obesity.

Claim 2 has been cancelled.

3. The mouse of claim 1, wherein the DNA sequence encodes syndecan-1.
4. The mouse of claim 1, wherein the DNA sequence is expressed in the areas of the hypothalamus responsible for the regulation of body weight and energy balance.
5. The mouse of claim 1, wherein the expression regulatory sequence is the CMV promoter, or functional portion thereof, and the CMV intermediate/early enhancer.
6. The mouse of claim 1 having the genotype FVB/N-TgN(synd-1).
10. A method for screening for compounds which can alter body weight comprising:
administering a compound to a transgenic mouse whose genome comprises a DNA sequence encoding a syndecan operably linked to an expression regulatory sequence, wherein expression of the DNA sequence results in the mouse developing maturity onset obesity, and observing whether there is a change in body weight over a period of time.

Claim 11 has been cancelled.

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13. The method of claim 10, wherein the DNA sequence is expressed in the areas of the hypothalamus responsible for the regulation of body weight and energy balance.
14. The method of claim 13, wherein the expression regulatory sequence is the CMV promoter, or functional portion thereof, and the CMV intermediate/early enhancer.
15. The method of claim 14, wherein the mouse has the genotype FVB/N-TgN(synd-1).

The following is an examiner's statement of reasons for allowance:

The amended claims are limited in scope to transgenic mice and methods of using the transgenic mice. Thus, the rejections regarding the scope of the claimed animals has been overcome.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne-Marie Baker whose telephone number is (703) 306-9155. The examiner can normally be reached Monday through Friday from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jasmine Chambers, can be reached on (703) 308-2035. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-8724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Anne-Marie Baker, Ph.D.